



The Salisbury Planning Board held its regular meeting Tuesday, August 25, 2009, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Karen Alexander, Dr. Mark Beymer, Maggie Blackwell, Robert Cockerl, Richard Huffman, Craig Neuhardt, Albert Stout, Bill Wagoner and Diane Young

**ABSENT:** Tommy Hairston and Valarie Stewart

**STAFF:** Dan Mikkelson, Preston Mitchell, Diana Moghrabi, and David Phillips

This meeting was digitally recorded for *Access 16* television by Jason Parks.

Chairman Robert Cockerl called the meeting to order and offered an invocation. The minutes of the August 11, 2009, meeting were approved as submitted. The Planning Board adopted the agenda. Robert Cockerl read the Courtesy Hearing explanation and procedures.

## **NEW BUSINESS**

### **A. District Map Amendment**

**CD-4-08-2009**  
(Z-17S-99)

Sister Act, LLC (amendment to Z-17S-99)  
830 Faith Road  
Parcel 071-195  
Approximately 0.25 acres (1 parcel)  
Located at the true northeast corner of Jake Alexander Boulevard  
and Faith Road

The petition does not propose to change the existing RMX base district; only to amend the north portion (TM&P 071-195) of the existing CD Overlay (originally adopted as an S-District Overlay) to permit all permitted (P) and permitted with standards (PS) uses in the RMX base district in addition to General Retail up to 3,500 square feet.

The 1999 S-District ordinance (1999-66) limits all permitted uses to those permitted in the old B-1 district except that two-family and multi-family are prohibited. The new Land Development Ordinance (LDO) permits slightly different uses in the RMX district than the old B-1 district, so this petition requests to amend the overlay *only* for the northern parcel (071-195) by allowing all permitted (P) and permitted with standards (PS) uses in the RMX in addition to General Retail up to 3,500 square feet.

The office building (which contains two units) was recently purchased and the new owner is seeking adaptive re-use to permit a beauty salon in one unit and general retail in the other unit. *See the Use Matrix in Chapter 2 of LDO for all specific P and PS uses, in addition to the retail allowances by way of the SUP or CD route.*

Mr. Mitchell cited Salisbury Vision 2020 Comprehensive Plan Policy C-1 and Policy N-12.

The Conditional District petition was first reviewed by the city's Technical Review Committee (TRC) on August 20, 2009. Staff and other reviewing agencies discussed the proposal and since no plan was submitted the committee unanimously recommended approval of the request to expand the uses for this adaptive re-use request.

*Those speaking in favor:* NONE (The petitioner was not able to attend)

*Those speaking in opposition:* NONE

*Board discussion*

Dr. Mark Beymer would rather not piecemeal this area. He would like to address rezonings for the area more comprehensively. (A draft of the Faith Road Area Plan is due late October.) He would support the retail aspect but had concerns about residential development; it has not developed in that direction.

The door could be opened to tearing down this structure and building a retail structure that is 3,500 square feet. The new proposed building would have to see another rezoning to amend the CD and come before Planning Board.

At Diane Young's request, Preston pointed out the house on Faith Road that was rezoned to allow a realtor's office. She had voted against that rezoning because she wanted to wait for the Faith Road Area Plan. Diane said she is more comfortable with this rezoning because it is already an office environment and not residential. "I am comfortable voting in favor of this amendment with the exclusion of residential as a permitted use at that location."

Diane Young made the following MOTION: "The Planning Board finds and determines that **CD-4-08-2009** Sister Act, LLC is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and hereby recommends approval with the exclusion of residential as a permitted use." The motion was seconded by Karen Alexander and approved (8-1)

Karen Alexander (opposed) thought we should encourage the live/work potential of this property. That would be residential. So, would it be appropriate not to have any residential since live/work would be residential? This property could be adapted for live/work.

**LDOZ-7-05-2009:** Russell (base rezoning)  
F. Lee & Cynthia P. Russell  
Unnumbered Statesville Boulevard  
Tax Map & Parcel(s) 330-021  
Approximately 26 acres (1 parcel)

**LDOZ-7-06-2009:** Granberry (base rezoning)  
Ken Granberry  
Clyde W. & Mary B. Granberry  
2715 Statesville Boulevard  
Tax Map & Parcel(s) 330-117 & 330-121  
Approximately 22 acres (2 parcels)

Both LDOZ-7-05-2009 and LDOZ-7-06-2009 are located along the south margin of Statesville Boulevard (Hwy 70) approximately ¼-mile east of Enon Church Road.

This is a request to amend the Land Development District Map by rezoning approximately 26 acres (one parcel) and approximately 22 acres (two parcels) along Statesville Boulevard (Hwy.70) from RURAL RESIDENTIAL (RR) to RESIDENTIAL MIXED-USE (RMX). (A total of 48 acres)

Preston Mitchell made a staff presentation; the on-site video was part of the presentation. There is no plan associated with this rezoning. Of all the base districts that staff was most comfortable with, it would be RMX. (Not in favor of blanket zoning this property.) It is probable that Salisbury will not have any more rural agricultural activity along Statesville Boulevard.

Existing Zoning: *Rural Residential (RR) district* (one dwelling unit per five acres minimum)  
The Rural Residential District is intended to accommodate low-density, rural residential and agricultural uses, protect natural vistas, and landscape features that define our rural heritage.

Proposed Zoning: *Residential Mixed-Use (RMX) district* (18 dwelling units per acre maximum) The Residential Mixed-Use District is intended to provide for areas for higher density residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial centers such as the Corridor Mixed-Use District (CMX) and the Downtown Mixed Use District (DMX). The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.

Development Potential:

Russell Lot (05) Residential: 468 units (Single or Multi-Family)  
Commercial: +/- 350,000 sq ft if built at 0.3 FAR

Granberry Lot (06) Residential: 396 units (Single or Multi-Family)  
Commercial: +/- 300,000 sq ft if built at 0.3 FAR

Preston Mitchell made references to the Salisbury Vision 2020 Comprehensive Plan Policy N-11, Policy N-12, Policy C-16, and Policy C-17. Based on the “Comp Plan” and development potential of this site, staff stated that the petition is inconsistent with the Vision 2020 Comprehensive Plan and staff is recommending denial.

*Public Comment*

**Cynthia Russell** of 785 Briggs Road is the owner of the property LDOZ 7-05-2009. She said she and her husband have been marketing the property for sale and have been for approximately 8-9 years. “We have been waiting for the Statesville Boulevard Highway completion—thinking this would improve our options to market the property.”

It is difficult to attract quality developers with the RR zoning. Margaret Lipe with Wallace Realty has done an excellent job marketing the property in Charlotte and other metropolitan areas, but developers are reluctant to commit because of the zoning—they don’t know what rezoning they could get.

Mrs. Russell and her husband would like to see this property developed as a gateway to Salisbury. It is probably one of the largest landmasses in that area. They would like to see it developed in a fine manner as a mixed-use property.

**Ken Granberry** of 834 Fairmont Avenue represented his mother (Mary Granberry of 280 Neita Drive) who owns the land known as LDOZ 7-06-2009. He agreed with Mrs. Russell and added that the back portion of the land will provide a natural buffer with its two creeks and a steep grade.

They both participated in the Western Gateway public session.

*Those speaking in opposition:* NONE

*Those speaking in favor:*

**Margaret Lipe** of Wallace Realty, 228 Sudley Circle, represents the Granberrys and the Russells as their listing agent for these parcels. She feels strongly “that the proposed residential mixed-use zoning is far more appropriate than the rural residential zoning that is presently in place.” These are large tracts and they are contiguous; they are suitable for a mixed-use development. The RMX zoning would be a good neighbor to the surrounding parcels and could attract other upscale residential mixed-use development. This rezoning would bring services to residents in the area which she believes are sorely needed. Any site plan would have to be approved.

The properties are located one mile west of the Salisbury Mall. There is a 5-lane highway in the front, there is a railway at the rear, and the property is surrounded by numerous apartment complexes, residential neighborhoods and businesses.

The area has clearly been established as a growth corridor.

*Board discussion*

The Western Gateway Plan is presently on hold while staff completes the Faith Road Area Plan. Both of these plans are being done “in house.”

Development could continue without Planning Board having an opportunity for a site plan review; it could be developed by right. Bill Wagoner was not assured that RMX would be the right zoning for this property. We are setting the stage for the future.

Mark Beymer agreed that rural residential zoning was not appropriate. He is not certain which zoning he could support without a site plan.

Bill Wagoner said this is 48 acres at our ETJ and could be such a major impact on Salisbury. He made a MOTION to send this to committee for further review. Dick Huffman seconded the motion with all members voting AYE. (9-0)

**Committee 3** (Bill Wagoner, Tommy Hairston, Mark Beymer, and Craig Neuhardt) will meet Monday, August 31, at 4 p.m. in the second floor conference room at City Hall to further discuss LDOZ-7-05-2009 and LDOZ-7-06-2009.

**B. Conditional District Revision**

Karen Alexander recused herself due to conflict of interest.

**CD-8-02-2009-24: Salisbury Customer Service Center**

Preston Mitchell made a staff presentation.

This is a request to revise the City of Salisbury Customer Service Center Conditional District master plan. It is located along Martin Luther King, Jr. Avenue. There was a rush to get the plan revisions submitted and to have comments addressed in time for Planning Board.

Harris Street is currently unimproved, but part of the Ordinance adopted by City Council is a condition requiring Harris Street to be brought up to meet current City construction standards.

Preston Mitchell reviewed comments on the drawings for discussion.

- There is a revision to the parapet height on all elevations due to mechanical needs above the ceiling height; the parapet is higher.
- Revision to the exposed concrete foundation between the columns on all elevations. (The brick now comes down to grade.)
- Revision to change the garage door due to grades.
- Revision to handrail materials for continuity at other locations.

- There are two South Elevations submitted and it will be up to the client to determine which is used. If the owner takes on the addition of the radio shop it would change the elevation so they are showing it both with and without the radio shop addition.
- Revisions to the egress path added a loading dock ramp.
- There are louvers for mechanical purposes added to the walls. (and HVAC louvers)
- The visible mechanical units along Harris Street will be screened if the client takes the larger generator option. Vegetative material can be used and it is recommended that '*D. D. Blanchard*' Magnolia trees be planted within the Harris Street streetyard planting area to screen the units. This planting will replace several ornamentals and they can be used to meet the streetyard requirements when the ornamentals are removed. The Magnolias must screen the mechanical units at planting. This will require a minimum of 14 to 15 feet in height at planting.
- Adjust the tree and shrub planting details by removing the term "City of Salisbury" planting detail. The details that were used are fine, but they have not been adopted by the city.
- There is a change adding an underground pneumatic teller.
- The bike racks have been made larger.

Not all the TRC comments have been addressed but a number of deadlines are dependent on this meeting. Staff asked the Board, based on the comments that need to be addressed from TRC, to grant staff the authority to get the final comments addressed (provisional approval subject to them addressing all the comments).

The comments that were not addressed were such as: (1) TRC request to remove all notes stating that the plan supersedes the City Council-adopted plan. Only City Council can supersede a Council-approved plan. (2) Revise the Revision Description box (located between the Title box and Bowers Consulting name box) as follows:

- i. 3/5/2009 per TRC review comments
- ii. 4/21/2009 Conditional District adoption by Salisbury City Council
- iii. 8/25/2009 Conditional District Revision #1

(3) Need to have the note added that parking requirements are part of the ordinance that can provide an alternate under the CD, but since bike racks have been moved to the rear entrance (they have been moved into the courtyard) a sign shall be posted at the main entrance indicating the location of the bike parking (in the rear). (4) "City of Salisbury" needs to be removed from the planning detail.

#### *Board discussion*

Dr. Mark Beymer said he was positive about what is happening here and this is more positive steps forward; he fully supports these changes.

Diane Young stated that, even though this is a City of Salisbury project for which a provisional approval is requested, any developer could be given the same consideration. She would be in favor of the provisional approval. Dick agreed.

Craig Neuhardt attended the TRC meeting and witnessed that it was very clear that the City of Salisbury did not receive any special consideration; they were held to the same standards as any petitioner.

Dr. Mark Beymer made a MOTION to recommend provisional authority to staff for CD 8-02-2009-24 for the Salisbury Customer Service Center revision number one. Diane Young seconded the motion and all members voted AYE. (8-0)

Bill Wagoner asked for an update at the next Planning Board meeting that the provisional items have been met. This authority is only for items discussed. This is approved but it does not have to go to City Council. The Planning Board is the approval body.

Karen Alexander was returned to the dais.

### **C. Consideration of the Salisbury Comprehensive Bicycle Plan**

Minutes of the July 28 Planning Board Bicycle Plan discussion were submitted by the Salisbury comprehensive bicycle plan consultant and the board secretary.

Members agree that they are in favor of a bicycle plan. Mark Beymer sees this as a step in the right direction and recognizes a lot of good, hard work has gone into this plan. He does think, however, that some of the research that could have been done—should have been done—relative to working with the colleges was not done. There is no clear path as to how to ride a bicycle to Rowan Cabarrus Community College. Therefore, he is not totally pleased with this plan. (Colleges were invited to join the steering committee, but the committee did not receive the participation they had hoped to get.)

Albert Stout believes this is a return to familiar basics and likes the idea of a bicycle plan. The money could be an issue.

Karen Alexander asked if Dr. Beymer's concerns could be addressed regarding the colleges and, in particular, RCCC.

Dan Mikkelson said that the steering committee identified routes that cyclists would like to travel if they were bicycle friendly. (The most direct routes to any part of town) The consultant was then charged with reviewing those routes and making recommendations of "what would it take to make them bicycle friendly." Jake Alexander Boulevard was in that study. The consultant reported that in the scope of this plan it is not feasible to make Jake Alexander Boulevard bicycle friendly.

Dr. Beymer suggested that there is another possibility of a route to RCCC down Old Concord Road and into another entrance. Perhaps the bike plan was not thoroughly explained to the colleges.

Diane Young admitted to not having done the homework on the bicycle plan and she missed the meeting when it was discussed; therefore, she will be abstaining from the vote today.

Maggie Blackwell has been very excited about the plan and has heard a lot of enthusiasm in the community about the bicycle plan. These expenses are to be covered by a mélange of sources (such as grants) as they become available and integrated into existing projects so it is not all direct City budget money.

Dick Huffman made a MOTION to go beyond six o'clock. All agreed.

Dick Huffman continued by saying, "The cost figures are rather staggering. If this was City Council and this was a budget session to approve these expenditures...I don't think I could do that." These are aspirations. We are not voting to endorse these sorts of expenditures over the next 5-10 years.

We spent time going over the LDO page by page and we need to do that with this plan. Diane and Mark agreed. Planning Board needs to do its due diligence.

City Council directed staff to draft a plan in accordance to a grant opportunity. City Council is expecting a draft to come back to them. If adopted, the plan will reinforce decisions in the future.

Bill Wagoner finds a lot of definitive statements "to do" things. What are the negatives if you do these things? An example would be W. Henderson Street. It is recommended that W. Henderson Street be widened to 30 feet. We all know that W. Henderson Street is a street that rolls into Circle Drive—an extremely dangerous intersection. Mr. Wagoner has concerns that (1) Widening Henderson is going to increase the speeds on the street, (2) Existing sidewalks on both sides of W Henderson would be obliterated if widened, and (3) ROW acquisition would be necessary to get the sidewalks replaced.

Page 3-42 is recommending that Mitchell Avenue be developed as a bicycle thoroughfare. Parking in bicycle thoroughfares is prohibited. Mr. Wagoner said, "You have an immediate conflict." Parking on Mitchell Avenue is necessary and quite common.

Mr. Wagoner did not feel that Planning Board was prepared to make a recommendation to approve this as it is.

Richard (Dick) Huffman made a MOTION that Planning Board refers review of the comprehensive bicycle plan to Committee 2 (Maggie Blackwell, Ch; Richard Huffman, V. Ch; Valarie Stewart; Albert Stout) with recommendations coming back for any modifications that should be made before proceeding to City Council. Dr. Mark Beymer seconded the motion with all members voting AYE. (9-0)

This committee meeting will be scheduled at a later time. Hard copies of the draft plan will be provided to members of the committee. It is available online.



## COMMITTEES

- Committee #1 (Diane Young, Ch; Karen Alexander, V. Ch; Robert Cockerl) **LDOTA-10-2009 Citywide Sidewalk Requirements**–Will meet Wednesday, August 26, at 4 p.m. in the City Hall second floor conference room.
- Committee #2 (Maggie Blackwell, Ch; Richard Huffman, V. Ch; Valarie Stewart; Albert Stout) **LDOTA 07-2009 Infill Provisions for Minimum Residential Lot Width Special Exceptions**–Met Monday, August 24, at 4 p.m. in the City Hall second floor conference room.

Prior to this meeting the committee had already drafted an amendment for the LDO that allows developers to request exception with no hardship required. The amendment will be provided to members in the next two weeks, along with examples of cases that were denied under the current LDO.

An example of a proposed amendment includes notification to property owners within 300 feet to either corner of the lot in question.

The committee voted unanimously in favor of the amendment. It will be voted on at the next Planning Board meeting.

- Committee #3 (Bill Wagoner, Ch.; Tommy Hairston, V. Ch.; Craig Neuhardt, Mark Beymer) **LDOTA 11-2009 Front Porch Provisions**–Habitat for Humanity submitted a request to review the front porch requirement (TRC recommended a review of the width requirement.) This committee met at the Plaza (100 W. Innes St.) Second floor seminar room at 4 PM Wednesday, August 19.

The discussion was based on Chapter 5 of the Land Development Ordinance (types and standards). Chapter 5 of the LDO is available online at <http://www.salisburync.gov/lm&d/zoning/intro.html>.

The term “porch” may need to be redefined. What is the appropriate depth of a porch? Using a 40 percent width or greater would require the 8’ depth. The committee recommends a minimum standard of 35 percent width and no less than 6’ deep as reasonable dimensions for both entry and outdoor living space for a modest home.

The committee did not make a motion but directed staff to draft language to bring to the Planning Board for further discussion and motion.

## **OTHER BOARD BUSINESS**

The next Planning Board meeting will be September 8, 2009.

There being no further business to come before the Planning Board the meeting was adjourned at 6:30 p.m.

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Robert Cockerl, Chair

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Diana Moghrabi, Secretary